

Foster, Cynthia

From: Guffey, Joe
Sent: Thursday, June 19, 2003 12:21 PM
To: 'F. Bruce Abel'
Cc: Foster, Cynthia; Mark Stepaniak (stepaniak@taftlaw.com)
Subject: RE: Cynthia Payne -Amending the Final Pre-trial Order

Bruce,

I am e-mailing you to confirm our discussion of today. We have agreed that we will revise the Amended Final Pretrial Order that was filed with the court to allow the addition of exhibits and/or propositions of law to be added within our respective portions of the Order. We will state any objections to the additional documents. Please let me know if that is incorrect. I will send you a copy of the Science data, and you might want to have those listed as a Joint Exhibit just as we did for the Avandia test documents.

On the copying costs issue. Cindy Foster gave me a breakdown of the costs so far:

Cost of already copied materials that are joint exhibits= \$520.00

Cost of Avandia Manual -approx. \$ 200

Costs of other manuals (Paxil etc) = approx. \$250-\$300.

So total costs will be about \$1000 divided by 2 = \$500 per party.

We will hold off on copying the manuals until the last minute.

I am also concerned about the stipulations of fact and joint exhibits being confusing to the court since the pretrial order was presented to the court before the Court's Order on the MSJ issues. So I would propose that I move those stipulated facts that I think are no longer relevant to your claims into Plaintiff's Disputed Facts section, and move any joint exhibit(s) that are not relevant into Plaintiff's Exhibit list. Then you can still have them available to you but I can object, and the Court can rule on whether the evidence comes in or not. How does that sound to you? Then the Amended Pretrial will be consistent with our respective positions for the trial.

Please let me know your thoughts.

Joe